

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

ERVIN FREDERICK CRAWLEY,

Plaintiff,

v.

Civil Action No. 4:05cv92

**JO ANNE B. BARNHART,
Commissioner of Social Security,**

Defendant.

ORDER

Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (c) and Rule 72(b) of the Federal Rules of Civil Procedure, as well as Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, by Order of Reference filed August 24, 2005, the matter was referred to United States Magistrate Judge F. Bradford Stillman for report and recommendation. The Report and Recommendation of the Magistrate Judge was filed on December 20, 2006, and recommends that the defendant's Motion for Summary Judgment be denied. The Report and Recommendation further recommends that Crawley's Motion for Summary Judgment seeking relief in the award of supplemental security income benefits and disability insurance benefits be denied in part, but granted to the extent of vacating and remanding the Commissioner's decision, and that the matter be remanded for further proceedings consistent with the Report and Recommendation.

By copy of the Report and Recommendation, each party was advised of the right to file

written objections to the findings and recommendations made by the Magistrate Judge within ten (10) days from the date the Report and Recommendation was mailed. The court has received no objections from either party and the time for filing objections has expired.

The court adopts and approves in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed December 20, 2006. Accordingly, it is hereby **ORDERED** that the defendant's Motion for Summary Judgment is **DENIED**, and further, that the portion of Crawley's Motion for Summary Judgment requesting relief in the award of disability insurance benefits and supplemental security income benefits is **DENIED**, but the portion of the motion requesting that the Commissioner's decision be vacated and remanded is **GRANTED**. The court **VACATES** the decision of the Commissioner denying benefits and **REMANDS** the matter for further proceedings consistent with the Report and Recommendation.

The Clerk is **REQUESTED** to forward a copy of this Order to counsel of record for all parties.

It is so **ORDERED**.

/s/
Jerome B. Friedman
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
January 17, 2007